IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

CHRISTIAN GARCIA, Plaintiff, v. GREGORY HOLDEN and DOUGLAS SERVEN, Police Officers with the Alexandria Police Department, sued in their individual capacity, Defendants.	/ / / / / / / / / / /	Case No: 1:15-CV-1324

MEMORANDUM OF POINTS AND AUTHORITIES SUPPORTING DEFENDANT SERVEN'S RULE 12(b)(6) MOTION TO DISMISS

COMES NOW Defendant Douglas Serven, by counsel, and in support of his Rule 12(b)(6) Motion to Dismiss Plaintiff's Eighth and Fourteenth Amendment claims as set forth in the First Amended Complaint, states as follows:

Defendant Serven hereby adopts and incorporates, as though fully set forth herein, Defendant Holden's Memorandum of Points and Authorities in Support of his Motion to Dismiss the Eighth and Fourteenth Amendment claims of the Plaintiff. Counsel for Defendant Serven has reviewed that Memorandum of Points and Authorities and agrees with it in its entirety. All of the facts and arguments set forth therein are at least as equally applicable, if not more so, to Defendant Serven as they are to Defendant Holden.

Defendant Serven, by counsel, hereby retains his right to reply to any response filed by Plaintiff and to participate in argument of this matter before the Court.

WHEREFORE, Defendant Serven respectfully requests this Court to enter an Order dismissing the Plaintiff's Fourteenth Amendment claims by striking the Fourteenth Amendment claim from Count I of the First Amended Complaint and by dismissing Count II of the First Amended Complaint in its entirety and by dismissing any Eighth Amendment claim of the Plaintiff in the First Amended Complaint and for such other and further relief as this court deems appropriate.

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OFFICER DOUGLAS SERVEN
By Counsel

BRAULT PALMER STEINHILBER & ROBBINS LLP

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703/273-6400; fax: 703/273-3514
Counsel for Defendant Serven

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on the 10th day of February, 2016, I electronically filed the foregoing pleadings with the Clerk of the Court using the CM/ECF system, which will send a notice of such filing (NEF) to the following: **Bradley Haywood, Esquire** and **Jonathan P. Sheldon, Esquire**, Sheldon, Flood & Haywood, PLC, 10621 Jones Street, Suite 301-A, Fairfax, Virginia 22030, Counsel for Plaintiff, and **Julia B. Judkins, Esquire** and **Nicholas J. Lawrence, Esquire**, Bancroft, McGavin, Horvath & Judkins, P.C., 9990 Fairfax Boulevard, Suite 400, Fairfax, Virginia 22030, Counsel for Defendant Holden.

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August W. Steinhilber, III